


By



S.B.No. ~~821~~

821

A BILL TO BE ENTITLED

AN ACT

relating to the requirement of a prescription for the issuance of a hearing aid; amending Chapter 366, Acts of the 61st Legislature, Regular Session, 1969, as amended, Article 4566-1.01, et seq., Vernon's Texas Civil Statutes) by adding Sections 17A and 17B; and declaring an emergency:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 366, Acts of the 61st Legislature, Regular Session, 1969, as amended, (Article 4566-1.01, et seq., Vernon's Texas Civil Statutes), is amended by adding Sections 17A and 17B to read as follows:

"Section 17A. PRESCRIPTION REQUIRED. (a) Except as provided by Subsection (c) of this section, no person, whether or not he is licensed by the Board, may fit or dispense a hearing aid to a person unless the person to whom the hearing aid is to be dispensed, or for whom the hearing aid is to be fitted, has a written recommendation or prescription signed by one of the persons listed in Subsection (b) of this Section. The prescription shall indicate that the person for whom the hearing aid is being fitted or dispensed has need of a hearing aid.

"(b) Any of the following persons, but no other person, may write a recommendation or prescription for a hearing aid:

"(1) a practicing physician, licensed under the laws of this state;

"(2) a licensed audiologist

"(c) A hearing aid dealer who dispenses a hearing aid in this state shall maintain for not less than three years, in a file

under the name of the person to whom the hearing aid was sold, a copy of the recommendation or prescription upon which the sale of the hearing aid was made.

"(d) The prescription requirements of this section do not apply to a transaction involving only repair or replacement of parts of a hearing aid or to the sale of a hearing aid which is identical to one owned by the person requesting the repair or replacement; except that, if, during the course of an examination or interview with a person seeking only repair or replacement, the licensee finds or is informed of any of the following conditions, he may not repair or replace parts in or replace that hearing aid until the owner of the hearing aid has obtained a new prescription:

"(1) visible congenital or traumatic deformity of the ear or ears,

"(2) history of, or active drainage from the ear or ears within the previous 90 days,

"(3) history of sudden or rapidly progressive hearing loss within the previous 90 days,

"(4) acute or chronic dizziness,

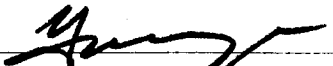
"(5) unilateral hearing loss within the previous 90 days,

"(6) air-bone gap of 10 decibels or greater,

"Sec. 17B. VIOLATION OF PROVISION. Any violation of this Act shall be considered a deceptive trade practice and the penalties for engaging in such deceptive trade practice are found in Section 17.41 et seq., Subchapter E, Chapter 17, Business and Commerce Code.

Sec. 2. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1975, and it is so enacted.

S.B. No. 821  
SJR.

By 

A bill to be entitled an Act relating to the requirement of a prescription for the issuance of a hearing aid; amending Chapter 366, Acts of the 61st Legislature, Regular Session, 1969, as amended, Article 4566-1.01, et seq., Vernon's Texas Civil Statutes) by adding Sections 17A and 17B; and declaring an emergency.

3-13-75

Filed with the Secretary of the Senate

MAR 18 1975

Read, referred to Committee on HUMAN RESOURCES

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by

{ unanimous consent.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

Read second time and { ordered engrossed.  
passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Engrossed

\_\_\_\_\_  
Sent to HOUSE

\_\_\_\_\_  
ENGROSSING CLERK